

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

7:15-MJ-133 (ATB)

ERGYS METASHI,

Defendant.

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MICHAEL F. PERRY, Assistant United States Attorney  
STEPHEN LANCE CIMINO, Esq. for Defendant

ANDREW T. BAXTER, United States Magistrate Judge

ORDER APPROVING WAIVER OF DETENTION HEARING  
AND PRELIMINARY HEARING

Defendant has been charged by a criminal complaint with bringing and attempting to bring an alien, Danjel Rumija, into the United States from Canada for the purpose of commercial advantage and private financial gain, knowing and in reckless disregard of the fact that Danjel Rumija, an alien and citizen of Albania, had not received prior official authorization to come to, enter, or reside in the United States, in violation of Title 8 U.S.C. § 1324(a)(2)&(B)(ii).

At a hearing held on April 6, 2015, the defendant, through counsel, voluntarily waived his right to a detention hearing and a preliminary hearing. In announcing that waiver, defendant's counsel advised that he had explained the nature of the detention hearing and preliminary hearing to the defendant, including the consequences of any waiver of the right to such hearings, and that the defendant was knowingly and voluntarily waiving his right to the hearings with full knowledge of the consequences thereof. Defendant reserved his right to request a detention hearing at a later time.

Based upon the foregoing, including defendant's voluntary representations, it is hereby ORDERED, that defendant's waiver of his right to a detention hearing and preliminary hearing without prejudice, which I find to have been knowing, intelligent and voluntary, is accepted; and it is further

ORDERED, that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: April 6, 2015

  
**Hon. Andrew T. Baxter**  
**U.S. Magistrate Judge**